Examiner-Initiated Interview Summary	Application No.	Applicant(s)
	09/621,781	FISHER ET AL.
	Examin r	Art Unit
	David A. Lambertson	1636
All Participants:	Status of Application:	
(1) <u>David A. Lambertson, Ph.D.</u> .	(3)	
(2) <u>Lisa B. Kole, M.D., Ph.D.</u> .	(4)	
Date of Interview: 5 November 2003	Time: <u>3:30pm</u>	
Type of Interview: ☐ Telephonic ☐ Video Conference ☐ Personal (Copy given to: ☐ Applicant ☐ Applicant Exhibit Shown or Demonstrated: ☐ Yes ☐ No If Yes, provide a brief description:	ant's representative)	
Part I.		
Rejection(s) discussed:		
Claims discussed: 1,7,38-40 Prior art documents discussed:		
Part II.		
SUBSTANCE OF INTERVIEW DESCRIBING THE GENE See Continuation Sheet	RAL NATURE OF WHAT W	AS DISCUSSED:
Part III.		
 It is not necessary for applicant to provide a separate directly resulted in the allowance of the application. The of the interview in the Notice of Allowability. It is not necessary for applicant to provide a separate did not result in resolution of all issues. A brief summa 	ne examiner will provide a wr record of the substance of the	ne interview, since the interview
(Examiner/SPE Signature) (Applican	t/Applicant's Representative	Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Applicant's attorney/agent was contacted concerning the approval of an Examiner's Amendment. The following issues were raised as requiring amendment prior to the allowance of the claims: (1) the recitation of functional language (i.e., that the nucleotide sequence had promoter activity) in claim 1; (2) the amendment of claim 11 to properly indicate multiple dependency in the alternative; (3) the cancellation of the language "PEG-3 promoter" in claims 38-40. As it regards part (3), it was indicated that the indication of the claimed nucleotide sequence as a "PEG-3 promoter" and having "PEG-3 promoter" activity was indefinite because the claimed nucleic acid had permutations that were not actually PEG-3 promoters (for example, the specific order of the functional sequences could be substantially different from the order in which they originally appear in a PEG-3 promoter). It was suggested that the cancellation of the term "PEG-3" would obviate a 35 USC § 112, second paragraph rejection. The amendments were approved by Applicant's agent/attorney, and are reflected in the attached Examiner's Amendment.